

1-1 By: Hernandez (Senate Sponsor - Huffman) H.B. No. 896  
 1-2 (In the Senate - Received from the House April 20, 2015;  
 1-3 April 23, 2015, read first time and referred to Committee on  
 1-4 Criminal Justice; May 6, 2015, reported favorably by the following  
 1-5 vote: Yeas 7, Nays 0; May 6, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			

1-15 A BILL TO BE ENTITLED  
 1-16 AN ACT

1-17 relating to creating a criminal offense regarding the breach of  
 1-18 computer security.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Section 33.02, Penal Code, is amended by  
 1-21 amending Subsection (b-1) and adding Subsection (f) to read as  
 1-22 follows:

1-23 (b-1) A person commits an offense if, with the intent to  
 1-24 defraud or harm another or alter, damage, or delete property, the  
 1-25 person knowingly accesses:

1-26 (1) a computer, computer network, or computer system  
 1-27 without the effective consent of the owner; or

1-28 (2) a computer, computer network, or computer system:

1-29 (A) that is owned by:

1-30 (i) the government; or

1-31 (ii) a business or other commercial entity  
 1-32 engaged in a business activity;

1-33 (B) in violation of:

1-34 (i) a clear and conspicuous prohibition by  
 1-35 the owner of the computer, computer network, or computer system; or

1-36 (ii) a contractual agreement to which the  
 1-37 person has expressly agreed; and

1-38 (C) with the intent to obtain or use a file, data,  
 1-39 or proprietary information stored in the computer, network, or  
 1-40 system to defraud or harm another or alter, damage, or delete  
 1-41 property.

1-42 (f) It is a defense to prosecution under Subsection (b-1)(2)  
 1-43 that the actor's conduct consisted solely of action taken pursuant  
 1-44 to a contract that was entered into with the owner of the computer,  
 1-45 computer network, or computer system for the purpose of assessing  
 1-46 the security of the computer, network, or system or providing other  
 1-47 security-related services.

1-48 SECTION 2. The change in law made by this Act applies only  
 1-49 to an offense committed on or after the effective date of this Act.  
 1-50 An offense committed before the effective date of this Act is  
 1-51 governed by the law in effect when the offense was committed, and  
 1-52 the former law is continued in effect for that purpose. For  
 1-53 purposes of this section, an offense was committed before the  
 1-54 effective date of this Act if any element of the offense occurred  
 1-55 before that date.

1-56 SECTION 3. This Act takes effect September 1, 2015.

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